UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,549	10/24/2000	Mark Phillip Kenney	LIT-106/PRC-147	2567

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EXAMINER
CAO, DIEM K

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 October 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   This Office Action is in response to the Application filed on 10/24/2000.

2.   Claims 1-21 are presented for examination.

Drawings

3.   There are numerous errors in the drawings filed on 10/24/2000. Correction is required.

For example, in Fig. 1, references numbers 190,195,106, etc. refer to the same part "Start".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 5-10, 12-17, and 19-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Broulik et al. (U.S. 6,323,881 B1).

     As to claim 1, Broulik teaches (col. 4, line 48 – col. 5, line 34) receiving a first

instruction (a request from browser 40) at a server (server30) to execute a target program

(telecom application 54) that is unsupported by a server application (server finds ... passes the

requests to it), wherein the server application is located on the server (the server 14 ... API; col.

1, lines 42-54), and employing a second instruction (application call) in a supported program

(CGI task 44) to cause execution of the target program (the CGI task 44 ... reply data), wherein

the second instruction is based on the first instruction (the request has been ... into a CGI

request, converts the CGI request into appropriate application call), wherein the supported

program is supported by the server application (The HTTP server is supported by common gateway interface tasks; col. 2, line 64 – col. 4, line 7).

As to claim 2, Broulik teaches (col. 5, lines 13-34) selecting at least one of the target program (telecom application 54) and the supported program (the server 30 finds the appropriate session CGI task 44) to comprise a program that is located on the server.

As to claim 3, Broulik teaches initiating an execution of the target program on the server (the CGI task 44 converts ... reply data; col. 5, lines 25-34 and Fig. 3).

As to claim 5, Broulik teaches determining an output of the target program, and sending the output to the supported program (If the request is a command ... gets the application reply data; col. 5, lines 25-34).

As to claim 6, Broulik teaches selecting the supported program to comprise a common gateway interface program (the server 30 finds the ... CGI task 44; col. 5, lines 12-16).

As to claim 7, Broulik teaches modifying the first instruction to obtain the second instruction (the CGI task 44 converts the CGI request into appropriate application call; col. 5, lines 25-34).

As to claims 8 and 15, they correspond to the method claim of claim 1 except they are a system and an article claims, respectively.

As to claims 9-10 and 16-17, see rejections of claims 2-3 above.

As to claims 12-14 and 19-21, see rejections of claims 5-7 above.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Broulik et al. (U.S. 6,323,881 B1).

As to claim 4, although Broulik does not explicitly teach employing the supported

program to determine an input for the target program, and sending the input to the target

program. Broulik teaches a command request is converted into an appropriate application call by

a CGI task, and the telecom application is executed and resulted are returned to the CGI task. It

would have been obvious to one of ordinary skill in the art the input for the target program is

known by the CGI task in order to invoke the target application.

As to claims 11 and 18, see rejection of claim 4 above.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

-    Wang (US 6,292,936) teaches "Enabling multiple runtime processors in an

     interpreter-based embedded scripting system".

-    Subramaniam et al. (U.S. 5,859,972) teaches "Multiple server repository and multiple

     server remote application virtual client computer".

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The

examiner can normally be reached on Monday - Friday, 9:00AM - 5:00PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, DC 20231

Or fax to:
- AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- OFFICIAL faxes must be signed and sent to (703) 746-7239.
- NON-OFFICIAL/DRAFT faxes should not be signed, please send to (703) 746-7140.

Diem Cao
April 28, 2003